



PUBLIC NOTICE

Federal Communications Commission
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DA 04-1021

Released: April 15, 2004

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ACCESS SPECTRUM, LLC REQUEST FOR WAIVER OF SECTION 27.60

Comment Date: May 17, 2004

Reply Comment Date: May 27, 2004

On March 24, 2004, Access Spectrum, LLC (Access Spectrum) filed an application, File #0001669196, and accompanying request for waiver of Section 27.60 of the Commission's Rules, 47 C.F.R. § 27.60. Section 27.60 sets forth the protection criteria for base, fixed, control and mobile transmitters operating in the 698-764 MHz and 776-794 MHz frequency bands, in order to reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV Channels 51 through 68. The rule further specifies the required protection criteria and methodology for determining the minimum separation distance between a co-channel or adjacent channel land mobile station and a TV and DTV broadcast station.

In its application, Access Spectrum is seeking to deploy a trunked land mobile base station that is actually located within the Grade B contour of analog Television Broadcast Station KZJL, authorized to KZJL License Corp., operating on adjacent Channel 61 in Houston, Texas. In support of its waiver request, Access Spectrum submits an engineering study and claims that the possibility of any interference to the off-air reception of KZJL is virtually non-existent. The transmitting frequencies for Access Spectrum's proposed base station are approximately 5.5 MHz removed from the lower channel edge of KZJL. According to Access Spectrum, this separation will result in sufficient protection to the reception of KZJL.

Interested parties may file comments on Access Spectrum's waiver request on or before May 17, 2004. Parties interested in submitting reply comments must do so on or before May 27, 2004. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.¹ A copy of each filing also should be sent to 1) Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554; 2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau,

¹ The address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; 3) Michael Ferrante, Federal Communications Commission, Wireless Telecommunications Bureau, Mobility Division, 445 Twelfth Street, S.W., Washington, D.C. 20554; and 4) Jay O'Connor, Federal Communications Commission, Wireless Telecommunications Bureau, Mobility Division, 445 Twelfth Street, S.W., Washington, D.C. 20554.

The waiver request and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Michael Ferrante or Jay O'Connor of the Mobility Division of the Wireless Telecommunications Bureau at (202) 418-0620, TTY (202) 418-7233 or via email to Michael.ferrante@fcc.gov or Jay.oconnor@fcc.gov.

By the Associate Chief, Mobility Division, Wireless Telecommunications Bureau.

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